

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JUSTIN DERRICK HILL, #Y22733,)
vs.)
Plaintiff,)
Defendants.)
SRGT. COLLINS)
and SRGT. SCOTT,)
Case No. 19-cv-00160-JPG
vs.)
Defendants.)

ORDER DISMISSING CASE

GILBERT, District Judge:

Plaintiff Justin Derrick Hill filed this action under 42 U.S.C. § 1983 on February 11, 2019, for alleged violations of his constitutional rights at St. Clair County Jail. (Doc. 1). The Complaint did not survive screening pursuant to 28 U.S.C. § 1915A and was dismissed without prejudice on February 19, 2019. (Doc. 4). Plaintiff was granted leave to file an Amended Complaint on or before March 19, 2019. (*Id.* at p. 4). Plaintiff filed a timely Amended Complaint that survived preliminary review on May 22, 2019. (Doc. 9). He was allowed to proceed with a single claim (Count 1) against Defendants Collins and Scott for subjecting him to unconstitutional conditions of confinement in the Jail's gymnasium from August 17 until September 3, 2016. (*Id.* at p. 6). Defendants filed a Motion to Dismiss for Failure to State a Claim (Doc. 20), and Plaintiff's response was due on or before August 22, 2019.

However, Plaintiff failed to prosecute his claims in this case. He filed no response to the Motion to Dismiss. Further, mail sent to Plaintiff on November 22, 2019 (Doc. 21), December 6, 2019 (Doc. 23), and December 12, 2019 (Doc. 25) was returned to the Court undeliverable. (*See* Docs. 24, 26, and 27). Plaintiff did not respond to the Court's Order to Show Cause why this case

should not be dismissed as a whole for failing to update his address with the Court and for otherwise failing to prosecute his claims. (Doc. 25). More than a week has passed since that deadline expired, and the Court has received no communication from Plaintiff. In fact, the Court has heard nothing from Plaintiff in this matter since July 1, 2019. (Doc. 18).

The Court repeatedly warned him that this action would be dismissed for failure to prosecute his claim(s) and/or for failure to comply with court orders, if he failed to update his address. (*See, e.g.*, Docs. 3, 4, 9, and 25). Plaintiff has not updated his address at all during the pending action. He has also missed several important deadlines in this matter, including his deadline for responding to the Motion to Dismiss. The Court will not allow this matter to linger indefinitely.

Accordingly, this action shall be dismissed with prejudice based on Plaintiff's failure to comply with the Court's Orders to update his address (Docs. 3, 4, 9, and 25), his failure to respond to the Court's Order to Show Cause (Doc. 25), and his failure to prosecute his claim in Count 1. *See* FED. R. CIV. P. 41(b); *Lucien v. Brewer*, 9 F.3d 26, 28 (7th Cir. 1993) (stating dismissal is a “feeble sanction” if it is without prejudice; “Rule 41(b) states the general principle that failure to prosecute a case should be punished by dismissal of the case with prejudice.”).

Disposition

IT IS ORDERED that this action is **DISMISSED** with prejudice, based on Plaintiff's failure to comply with multiple Court Orders (Doc. 3, 4, 9, and 25) and his failure to prosecute his claim(s) herein. *See* FED. R. CIV. P. 41(b); *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994). The pending Motion to Dismiss (Doc. 20) is **DISMISSED as MOOT**. The dismissal of this action does not count as a “strike” under 28 U.S.C. § 1915(g).

IT IS ORDERED that Plaintiff's obligation to pay the filing fee for this action was incurred at the time the action was filed, regardless of subsequent developments in the case. Accordingly, the filing fee of \$350.00 remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

The Clerk's Office is **DIRECTED** to close this case and enter judgment accordingly.

IT IS SO ORDERED.

DATED: January 8, 2020

s/J. Phil Gilbert
J. PHIL GILBERT
United States District Judge